

Appl. No. 09/832,464
Amdt. dated: September 16 , 2004
Reply to Final Office Action of June 16, 2004

REMARKS

Claims 1-31 are in the application. Claims 1-2, 6, 8-11, 13-16, 18-20, 22-27, and 30-31 are allowed. Claims 7, 12, 17, 28, and 29 are rejected, and claims 3-5 and 21 are objected to . By the present amendment, claims 2, 3, 4, 5, 21, and 28 are amended. The amendments add no new matter. In view of the amendments and following remarks, reconsideration of claims 1-31 is respectfully requested.

Surrender of Patent

Applicants are in the process of trying to locate the original patent. If it cannot be located within the next week, Applicants will immediately file a statement as to the loss of accessibility.

Claim Amendments

Applicants have re-characterized claim 7 to reflect that this claim was previously amended by a preliminary amendment at the time the reissue application was filed.

§ 112 Rejections

Claim 7 is rejected under 35 USC § 112 , as being definite, for reciting the term “mol”. Claims 12, 17, and 29 were also rejected as being indefinite for depending from an indefinite claim. In accordance with the Examiner’s suggestion, claim 7 was previously amended by a preliminary amendment filed concurrently with the present reissue application to replace the term “mol” with the term “molecule”. Applicants submit that this previous amendment, which is now correctly reflected in the Listing of Claims, obviates the rejection.

Claim 28 remains rejected under 35 USC § 112, first paragraph, “as failing to comply the written description requirement”. Applicants have amended claim 28 for clarity to recite a DNA molecule of claim 1, comprising a nucleotide sequence having a region which consists of nucleotides 749 to 931 of SEQ ID NO. 1. Applicants submit that the amendment overcomes the rejection.

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Claim Objections

Claims 3-5 and 21 are objected to for reciting "Sequence Identifier No.", rather than "SEQ ID NO." Applicants have amended claims 3-5 and 21, as well as claim 2, to correct the format. Applicants submit that the amendments overcome the objection

Oath/Declaration

Applicants are in the process of obtaining the inventors' signatures on a supplemental declaration which states that every error which was corrected in the present reissue application, and which is not covered by the prior oath or declaration submitted with this application arose without deceptive intent on the part of the applicant. Such declaration(s) will be forwarded to the Patent Office upon receipt by the undersigned.

In view of the amendments and remarks, Applicants submit that claims 1-31 are now in condition for allowance. Prompt notification of such allowance is respectfully requested. If the Examiner feels that further changes to the application are necessary or if she has any questions regarding the amendments or documents that will be provided to the Patent Office, she is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Pamela A. Docherty
Pamela A. Docherty – Reg. No. 40,591
(216) 622-8416